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No. 89-

IN THE SUPREME COURT

OF THE

UNITED STATES

October Term, 1989

RODNEY F. STICH

Petitioner

vs.

U.S. COURT OF APPEALS
NINTH CIRCUIT
Respondent

Petition Writ of Certiorari
Suspension of Due Process
and Other Constitutional Rights
JURISDICTIONAL STATEMENT

Rodney F. Stich
Post Office Box 5
Alamo, Nevada 89510
Telephone: (415) 820-7250
Appellant in pro se

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QUESTIONS PRESENTED FOR REVIEW.

1. May federal judges render injunctive orders suspending the constitutional and statutory protections while the party adversely affected by the injunction is suffering great and irreparable harm?

2. May federal judges reverse the Courts' definition of frivolous, and then use that tactic to suspend constitutional due process to a party suffering great and irreparable harm from a multitude of repeated civil and constitutional violations?

3. May federal judges deny relief to a party suffering terminal destruction of his life's assets, his liberties, his freedoms, his quality of life, his privacy, by summary judgment dismissal of Civil Right Act complaint stating shocking numbers of civil and constitutional violations of constitutional magnitude?

4. Are constitutional rights--due process, equal protection, right to unabridged interstate travel, the Privileges and Immunities Clauses, property rights, violated by forcing a party to relitigate the exercise of personal jurisdiction in a 22 year old divorce judgment, after changing residence to the State of

California?

5. Are constitutionally protected rights violated by voiding 22 years of adjudicated and acquired personal and property rights, by a later jurisdiction of residence refusing to accept the exercise of personal jurisdiction by a 1966 divorce court on the basis of residence?

6. Are civil and constitutional protections under the Civil Rights Act and other federally protected rights suspended when a domestic relations label is fraudulently placed upon a non-domestic relations cause of action?

7. Does a judicial racketeering enterprise exists in the Ninth Circuit courts?

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App. C: District Court's Dismissal order.

OPINIONS BELOW

The United States Court of Appeals rendered a final order on May 2, 1989, denying petitioner's timely requested petition for rehearing and rehearing en banc. (Appendix "A.") Earlier, on March 14, 1989, the Court of Appeal rendered an order affirming the district court's dismissal. (Appendix "B"). On July 30, 1986 the district court rendered an injunctive order barring petitioner access to any court for any cause of action, including those yet to occur. (Appendix "C") On September 16, 1986 the district court granted summary judgment to the defendants. (Appendix "D.")

JURISDICTIONAL STATEMENT

This petition for writ of certiorari is filed pursuant to Rules 17.1 (a) (c) of the Rules of the Supreme Court of the United States.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Constitutional and statutory provisions that are a part of petitioner's complaint in the district court's July 30, 1986 injunctive order and September 16, 1986 summary judgment, includes:

a. Fourteenth Amendment due process, equal protection, property rights, and privileges and immunities clause.

b. Privileges and Immunities clause of Article IV, § 2

c. Full Faith and Credit, Article IV, § 1, and as statutorily enacted in Title 28 U.S.C. § 1738.

d. Constitutional right to unabridged interstate travel.

e. Title 42 U.S.C. §§ 1983, 1985, 1986, and Title 28 U.S.C. § 1343.

f. Title 28 U.S.C. §§ 2201 and 2202.

g. Title 18 U.S.C. §§ 1961 and 1962.

h. First Amendment right to petition government for redress of grievances.

i. Fifth Amendment right to due process, equal protection, property rights,

j. Right and responsibility to report criminal acts affecting the nation's air safety, and causing a series of air tragedies.

k. Whistleblower case and statutory law, relating to petitioner's reporting of government misconduct and felonies relating to a series of fatal air tragedies.

THE FEDERAL QUESTIONS ARE SUBSTANTIAL

Fundamental constitutional rights are violated, includ-

ing:

a. Right of all citizens to invoke federal court jurisdiction, and obtain relief, when federal causes of action are violated by state judges, acting without jurisdiction, and violating clear and settled state and federal laws and Constitutions. The state judges repeatedly rendered orders under color of state law, causing great and irreparable harm, and acting without personal and without subject matter jurisdiction.

b. Protection against suspension of federal due process and equal protection, by district courts dismissing federal causes of action of constitutional magnitude in clear violation of federal law and Constitution. Petitioner has been victimized by an organized judicial scheme in the Ninth Circuit, blocking every attempt to adjudicate the issues, wrongfully making sua sponte, Rule 12 dismissal, and summary judgments for defendants, in clear violation of federal statutory and case law, federal rules of civil procedure, and fundamental constitutional rights and protections. Petitioner is judicially gridlocked from constitutional remedies while simultaneously targeted for great and irreparable harm by misuse of the judicial pro-

cess. Federal judges have routinely reversed the Supreme Court's definition of frivolous, applied the term to serious federal causes of action, and then used the frivolous label to "support" either summary judgment or FRCivP 12 dismissals.

c. Rendering lawless, unconstitutional, and corrupt injunctive orders suspending all constitutional due process for the air disaster, government, and judicial scandal whistleblower, who suffers terminal destruction of major personal and property rights from an onslaught of major civil and constitutional violations. Petitioner is barred from seeking relief in any court for past, unadjudicated, present, and future violations of major rights and protections under the laws and Constitution of the United States.

d. Judicial racketeering enterprise in the Ninth Circuit courts, arising out of a major air disaster scandal, upon which has been superimposed a major government and judicial scandal.

e. Suspension of the laws and Constitution of the United States by Ninth Circuit federal judges and justices. Misuse of the federal courts to engineer a scheme using a cause of

action prohibited by Supreme Court decisions, stripping petitioner of all defenses, and then barring him access to the courts after he discovered the judicial racketeering enterprise. This suspension of important federal question rights sought to obstruct petitioner's exposure of the scandal, and obstruct defenses against a sham California action. The scheme sought to block petitioner's exposure activities that threatened to expose federal judges and justices in the Ninth Circuit.

Statement Of the Case

Petitioner filed a complaint in the U.S. District Court, under authority of federal law and Constitution,[1] alleging multiple violations of rights and protections under the laws and Constitution of the United States, and of the State of California.

The complaint stated that the violations arose from orders rendered by California judges, acting under color of state law, causing great and irreparable harm, in a cause of action that had been (a) held impermissible by decisions

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[1] Title 42 U.S.C. §§ 1983, 1985, 1986; Title 28 U.S.C. §§ 1343, 2201, 2202; Title 18 U.S.C. §§ 1961, 1962; directly under the Constitution, and as a Bivens claim.

of the U.S. Supreme Court and their progeny for the past half century;[2] (b) in which the state judges lacked personal and subject matter jurisdiction;[3] (c) in which over two dozen clear and settled state statutory laws and rules of court were violated;[4] (d) in which federal law and constitutional rights were trampled.[5]

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[2] Refusing to recognize prior divorce judgments of persons changing residence to California, by refusing to recognize exercise personal and property rights adjudicated and acquired in prior divorce judgments and jurisdictions, when the court jurisdiction was exercised upon residence, without also requiring determination of the subjective mental thought processes of domicile. Sherrer v. Sherrer, 334 U.S. 343 (1948); Coe v. Coe, 334 U.S. 378 (1948); Vanderbilt v. Vanderbilt, 354 U.S. 416 (1957); Estin v. Estin, 334 U.S. 541 (1948); Perrin v. Perrin, 408 F.2d 107 (3rd Cir. 1967).

[3] California Family Law Act is strictly limited to three causes of action, and does not provide jurisdiction to attack prior divorce judgments, and specifically bars such attacks. Rules of Court 1201(c), 1211, 1212, 1215(b), 1222, 1229, 1281, 1282.

[4] Mandatory divorce judgment recognition: Code of Civil Procedure §§ 1699(b), 1713.3, 1908, 1913, 1915; Civil Code §§ 4554, 5004, 5164; Statute of limitations: Code of Civil Procedure 318, 338, 343; Civil Code §§ 880.020, 880.250; conclusive presumption that prior court acted in the lawful exercise of jurisdiction when under collateral attack: Evidence Code § 666; and many others.

[5] Right to obtain a divorce; right to exercise personal jurisdiction upon the same residence basis as available to millions of others; Privileges and Immunities Clauses; right to unabridged interstate travel; due

The cause of action attacked and voided personal and property rights adjudicated in a 1966 divorce judgment; established in four subsequent judgments;[6] and acquired during 22 years of divorced status as a divorced person, which are protected by the Fourteenth Amendment due process, equal protection, and property right clauses.

The cause of action argued, and California judges held, that these 22 years of protected rights were void, on the basis that California judges would not recognize the exer-

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process; equal protection; protection of property rights from seizure of properties without due process and equal protection.

[6] Initial 1966 divorce judgment following a bilateral consent divorce proceeding, rendered by jurisdiction of residence for five months, State of Chihuahua, Mexico, No. 189723, authenticated by U.S. Consul; Registration and confirmation of the 1966 divorce judgment in the Superior Court, Contra Costa County, action number 251773, under C.C.P. § 1699(b) and C.C. § 5164; registration of the Contra Costa divorce judgment confirmation in the Superior Court, Solano County, State of California, action 91929; judicial entry of the Contra Costa county confirmed judgment into the Nevada courts, Second Judicial District of Nevada, County of Washoe, case number 85-5391 and into foreign judgment registry, number 31; registration of the 1966 divorce judgment in the District Court of Oklahoma County, Oklahoma City, Oklahoma, Case number FD-86-5870; registration of the Contra Costa confirmed judgment in the Civil Courts of Dallas County, Dallas, Texas, in Volume Two, Page 78, Foreign Judgment Register.

cise of personal jurisdiction by courts foreign to California, and residents of such foreign jurisdictions. On that constitutionally preposterous holding, the California judges refused to recognize the exercise of personal jurisdiction of the 1966 court, and refused to recognize the validity of petitioner's five month's residence in the 1966 court's jurisdiction.

The California judges held that unless the 1966 court exercised jurisdiction over residents of the foreign court jurisdiction on the basis of the subjective mental thought processes of domicile, all personal and property rights adjudicated in that divorce, all rights established in subsequent judgments, and property rights acquired during the following two decades as a divorced person, were void. Using this constitutionally preposterous argument as a base, the California judges embarked on a six year scheme that destroyed literally every right and protection under the laws and Constitution of the State of California and of the United States. The prior divorce judgment was recognized by the federal government, through the Social Security Administration, on the basis of the former wife's declaration of divorced status, and the several divorce

judgments establishing that fact.

The California judges then proceeded to remarry petitioner to the Texas resident, who declared herself divorced from petitioner for the past two decades, and who repeatedly gave constructive notice of that fact in numerous real estate transaction. The California judges held that they had the authority to relitigate, twenty years later, the exercise of personal jurisdiction when petitioner changed his residence years later to the Solano County, State of California jurisdiction; and simultaneously deny that party the right to rely upon the residence basis for exercising jurisdiction (as exercised by millions of other citizens) and substitute for residence in the relitigation, the subjective mental thought processes of domicile, insuring that a Kangaroo Court environment could "support" the refusal to recognize the 22 year old divorce judgment, and two decades of adjudicated and constitutionally protected property rights.

In this manner, the California judges could render an order seizing protected personal and property rights of virtually any citizen, and especially one who threatens to expose a major government and judicial scandal.

That holding barred highly mobile persons, or those who must change residence due to economic circumstances, the right to obtain a divorce, or the prior divorce judgment is subject to voiding by a California judge if the party exercise constitutional travel rights and changes residence to California, possible decades later.

This argument violated the constitutional right (a) to obtain a divorce while a five-month resident of the jurisdiction foreign to California; (b) violated the rignt to unabridged interstate travel;[7] (c) the privileges and im-

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[7] Crandall v. Nevada, 73 U.S. 35 (1867); Shapiro v. Thompson, 394 U.S. 618 (1969) (Referring to Commerce Clause; the Privileges and Immunities Clause of Art. IV, section 2; the Privileges and Immunities Clause of the Fourteenth Amendment; and the Due Process Clause of the Fifth Amendment. "the right to travel interstate is a 'fundamental' right which, for present purposes, should be regarded as having its source in [the fifth amendment due process clause]." Kent v. Dulles (1958) 357 U.S. 116, "The right to travel is a part of the 'liberty' of which the citizen cannot be deprived with the due process of law under the Fifth Amendment ... Freedom of movement across frontiers in either direction, and inside frontiers as well, was a part of our heritage. Travel abroad, like travel within the country [is] basic in our scheme of values."; United States v. Guest (1966) 383 U.S. 745, "The constitutional right to travel from one State to another [occupies] a position fundamental to the concept of our Federal Union. See also, Oregon v. Mitchell 400 US 112, 27 L Ed 2d 272, 91 S Ct 260 (1970); Slaughter House Cases 16 Wall 36, 21 L Ed 394 (1872); Edwards v. California, 314 US 160, 86 L Ed 119, 62 S

munities clause of Article 4, § 2, and Article 1, § 8, clause 18, of the Constitution, and of the Fourteenth Amendment, Ninth Amendment (in that the power to deal with violations of the right of interstate travel was "delegated to the United States by the Constitution); (d) due process and equal protection of the Fourteenth Amendment, relating to exercising jurisdiction on the basis of residence without California judges years later retroactively violating these rights after exercising the constitutional right to change residence; (e) state judge intrusion into the sovereignty of courts foreign to California, and of the rights of residents of the foreign jurisdiction.

Upon the preposterous refusal-to-recognize-residence holding, the California judges--with the aid and comfort of federal judges and justices, destroyed every remnant of petitioner's personal and property rights.

Obviously, the argument was a sham, and subsequent evidence showed it to be a judicial scam to silence the air

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Ct 164 (1941); Williams v. Fears, 179 US 270, 45 L Ed 186, 21 S Ct 128 (1900); Oregon v. Mitchell, 400 US 112, 27 L Ed 2d 272, 91 S Ct 260 (1970); Griffin v. Breckenridge, 403 US 88, 29 L Ed 2d 338, 91 S Ct 1790 (1971).

disaster whistleblower.

State Judge Violation of State Rights

The attack upon the 22 years old personal and property rights, relying for support on the cause of action specifically barred by the federal and state constitutions, violated (a) statute of limitations under state and federal law; (b) statutory requirement to recognize the 1966 divorce judgment, its confirmation as a California judgment, and the entry of the California-confirmed judgment in the courts of Nevada, Oklahoma, and Texas; (c) statutory requirement for conclusive presumption that the 1966 court acted in the lawful exercise of its jurisdiction when under collateral attack (Evidence Code § 666); (d) California constitution relating to property rights, due process and equal protection.

Absence of Personal/Subject Matter Jurisdiction

Under the California Family Law Act, an attack upon a prior divorce judgment is (a) specifically barred by clear and settled law; (b) does not meet the legal criteria of a domestic relations action and there is no jurisdiction under the California Family Law Act.

Violated Protected Property Rights

All of petitioner's properties were acquired years after the 1964 abandonment of the Colorado marital residence by petitioner's former wife and acquired after the 1966 divorce judgment in which the court held there were no community properties. Under California law, and federal law, the properties were not community, and never had been, as shown by the titles. California judges lack jurisdiction over separate properties even if, for argument, the cause of action was a Family Law Act matter.

State Judicial Due Process Gridlock

Every relevant procedural due process remedy in California law and Constitution was suspended. California judges and justices courts reversed the Supreme Court's definition of frivolous,[8] using that as a judicial scam to wrongfully dismissal the appeals and petitions, protect the civil and constitutional violators, and impose harsh financial sanctions upon the party seeking relief.

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[8] Haines v. Kerner, 404 U.S. 519, 521-522 (1972); Anders v. California (1967) 386 U.S. 738 ("An appeal [or complaint] is not frivolous if "any of the legal points [are] arguable on their merits ...").

Great and Irreparable Harm

The preposterous civil and constitutional violations inflicted great and irreparable harm upon petitioner. Petitioner's income was halted since 1983. His home, his business, and his assets, were seized. His constitutionally protected liberty, privacy, quality of life, property rights, were destroyed. His business was eventually lost. Petitioner was converted from a multi-millionaire, using his assets in a public-spirited endeavor to expose and correct a major, ongoing, air safety/air disaster scandal that had expanded into a government and federal judiciary scandal.

All of these constitutional outrages and injuries sought support in the cause of action that this Supreme Court held impermissible for the last 50 years, and that violated dozens of clear and settled California statutory laws, federal statutory and case laws, and fundamental constitutional rights.

Federal Due Process Gridlock

These massive violations of rights and protections under the laws and Constitution of the United States were alleged in petitioner's federal complaint (86-210). Federal

rules of civil procedure (FRCivP 12) and related case law[9] requires that the allegations stated in the complaint must be accepted as true to oppose dismissal or summary judgment, and that if federal causes of action of constitutional magnitude are raised, dismissal is barred.

Federal Rule of Civil Procedure 56 provides for entry of summary judgment only where the pleadings and available evidence (depositions, answers to interrogatories, admissions on file, and affidavits, if any) show that there is "no genuine issue as to any material fact" and that the moving party is therefore "entitled to a judgment as a matter of law."

Petitioner's complaint raised numerous triable issues: (a) Were orders were rendered without personal and without subject matter jurisdiction; (b) were orders rendered after all trial court proceedings had been halted by the perfecting of notice of appeals; (c) were orders rendered

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[9] Dennis v. Sparks 449 U.S. 24 (1980) ("a section 1983 complaint should not be dismissed unless it appears that the plaintiff can prove no set of facts which would entitle him to relief. ... For purposes of testing sufficiency of the complaint, the allegations of the complaint must be taken as true."); Gardener v. Toilet Goods Assn., 387 U.S. 167, 172 (1967); Conley v. Gibson, 355 U.S. 41, 45-47.

after petitioner moved the action to federal court, where it remains at this time in the appeal stage. (C.A. No.); (d) was the cause of action barred by decisions of the U.S. Supreme Court; were the Full Faith and Credit Clause and statutory embodiment, requiring recognition of the California confirmed judgment, and its entry as a local judgment in the courts of Nevada, Oklahoma, and Texas, violated; (e) was the cause of action was barred by numerous California laws and Constitutional provisions; (f) were numerous fundamental constitutional rights violated; (g) was the former wife barred from attacking the prior divorce judgment when she gave constructive notice to the world that she was divorced for the past two decades, invoking also the quasi estoppel rule; and numerous other questions.

Summary judgment is permitted under FRCivP 56(c) only if the evidence shows "that there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law." There were triable issues, and the multiple federal causes of action of constitutional

magnitude prohibited summary judgment.[10]

To succeed on a summary judgment motion based on res judicata the party must show the court that an earlier action adjudicated the very claim brought in the second case. Petitioner had been denied every due process right to have his claims adjudicated. The federal judicial chicanery wrongfully made sua sponte dismissals, placed frivolous labels on the actions and dismissed, placed a domestic relations label on a non-domestic relations cause of action, compounding this by implying that there can not exist civil and constitutional violations when there is a domestic relations label on the cause of action.

Collateral estoppel cannot support summary judgment unless it is demonstrated (1) that an issue was actually litigated and determined in an earlier case; (2) that the issue was necessary for the result in the earlier case; and (3) that having been decided as it was, the new action (or some claim in it) must be decided in defendant's favor as a

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[10] Adikes v. S.H. Kress & Co., 90 S.Ct at 1609 (summary judgment is prohibited where the record, examined in the light most favorable to the party opposing the motion, shows any material facts in dispute.); U.S. Pent-R-Books, Inc., 538 F.2d 519 (2d Cir. 1976), cert. denied, 430 U.S. 906 (1977).

matter of law--even through the new action is based upon a different claim than the one previously litigated. See 1B Moore's Federal Practice on the requisites of res judicata and collateral estoppel.

Augmenting Due Process Gridlock

In addition to judicial due process gridlock, the trial court rendered an injunctive order beyond the court's jurisdiction, barring petitioner from filing any action, seeking relief, in any state or federal court, for the continuing massive numbers of civil and constitutional violations already committed, and which were never litigated, which were then being committed, or those yet to be committed--which were committed, aided and abetted by the federal judicial due process gridlock.

District Judge Milton Schwartz reversed the legal rights and protections serving as the criteria for rendering injunctive orders. Instead of rendering the injunctive order to protect petitioner against the great and irreparable harm, the injunctive order was rendered to protect the parties committing the harm, and barring the party suffering the harm from seeking relief.

Duplication of Constitutional Outrages in United States Court of Appeals

The Court of Appeals justices had a simple task when petitioner filed the appeal of the district court's dismissal and the injunctive order. The standard for review for summary judgment the appellate court must conduct a de novo review, and determine whether the complaint stated a cause of action.[11] If the allegations state a federal cause of action for which federal courts can provide relief, then it must vacate the dismissal/summary judgment. Obviously, petitioner's complaints stated **many** federal causes of action of great constitutional significance.

Judge Schwartz held that petitioner's complaint stating

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[11] "Summary judgment is granted as a matter of law. Therefore, the Appellate Court must review the facts anew, in favor of the non-moving party. Ashton v. Cory, 780 F.2d 816 (9th Cir. 1986)." On review, the appellate court must review grant of judgment on the pleadings de novo, taking all material allegations of the non-moving party as true and construing them in the light most favorable to that party. Judgment on the pleadings will not be granted unless "the allegations of the complaint itself clearly demonstrate that plaintiff does not have a claim." 5 C. Wright & A. Miller, Federal Practice & Procedure § 1357, at 604 (1969)." (Sinaloa Lake Owners Association v. City of Simi Valley, 89 C.D.O.S. 238, No. 86-6425 (9th Cir. Jan. 6, 1989).

numerous federal causes of action--which on May 9, 1986 he stated to be very serious--were suddenly called frivolous several weeks later. A frivolous holding is subject to de novo review on appeal.[12]

On appeal, the law requires that this court accept the complaint and supporting affidavits as true. Gardener v. Toilet Goods Assn., 387 U.S. 167, 172 (1967). An action, "especially under the Civil Rights Act, should not be dismissed at the pleadings stage unless it appears to a certainty that plaintiffs are entitled to no relief under any state of the facts, which could be proved in support of their claims." Escalera v. N.Y. Housing Auth., 425 F.2d 853, 857 (2nd Cir. 1970). See also Conley v. Gibson, 355 U.S. 41, 45-7) 1957); Sherman v. Yakahi, 549 F.2d 1287, 1290 (9th Cir. 1977); Mark v. Gross, 521 F.2d 1376, 1378 (9th Cir. 1975); York v. Gross, 521 F.2d 1376, 1378 (9th

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[12] For the purpose of determining whether a complaint is "frivolous," the court presumes that the plaintiff's allegations are true. Franklin, 745 F.2d at 1228. In addition, courts must construe allegations in pro se complaints liberally. Shapley v. Nevada Bd. of State Prison Commrs, 766 F.2d 404, 408 (9th Cir. 1985)."

Cir. 1975); York v. Story, 324 F.2d 450, 453 (9th Cir. 196-3).

The appellate court review of summary judgment motions is de novo. Lew v. Kona Hospital, 754 F.2d 1420, 1423 (9th Cir. 1985). Summary judgment is appropriate only if there are no genuine issues of material fact and the moving party is entitled to judgment based upon the absence of federal causes of action. Culver v. Boat Transit, Inc., 782 F.2d 1467, 1469 (9th Cir. 1986). Culver v. Boat Transit, Inc., 782

F.2d 1467, 1469 (9th Cir. 1986).

Reasons For Granting the Writ

1. Supreme Court's supervisory responsibilities (Supreme Court Rule 17) over the lower federal courts. The Ninth Circuit judges and justices have embarked upon a pattern of total suspension of the laws and Constitution of the United States to protect the scheme to silence petitioner's threatening exposure activities. The obstruction of justice by dismissal of the earlier actions against the FAA and NTSB,[13] the judicial due process gridlock and

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[13] Stich v. United States, et al., 554 F.2d 1070 (9th Cir.) (table), cert. denied, 434 U.S. 920 (1977)(addressed hard-core air safety misconduct,

misuse of the federal courts against petitioner, are tentacles of the judicial racketeering enterprise in the Ninth Circuit courts.

2. Supreme Court's responsibilities under Title 28 U.S.C. § 1343, Title 42 U.S.C. §§ 1983 and 1986, and other responsibilities as justices of the U.S. Supreme Court, and under criminal laws requiring reporting of criminal acts, especially those subverting the laws and constitution of the United States.

3. Supreme Court rule 26. The issues raised in the petition "aid in the Court's appellate jurisdiction, that there

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violations of federal air safety laws, threats against government inspectors not to report safety violations and misconduct); Stich v. National Transportation Safety Board, 685 F.2d 446 (9th Cir.)(table), cert. denied, 459 U.S. 861 (1982))(addressed repeated criminal falsification of official airline accident reports, omitting highly sensitive air safety misconduct, making possible repeated crashes from the same sequestered problems); Amicus curiae brief filed on July 17, 1975, in the Paris DC-10 multi-district litigation, Flanagan v. McDonnell Douglas Corporation and United States of America, Civil Action 74-808-PH, MDL 172, Central District California.)(addressing the long standing FAA misconduct, of which the coverup of the DC-10 cargo door problem was one of repeated instances of tragedy related misconduct); U.S. v. Department of Justice, District of Columbia, Nos. 86-2523, 87-2214, and other actions filed by claimant seeking to expose and correct the powerful and covert air disaster misconduct.

are present exceptional circumstances warranting the exercise of the Court's discretionary powers, and that adequate relief cannot be had in any other form or from any other court."

4. The judicial anarchy of the Ninth Circuit, acting in concert, undermining the laws and Constitution of the United States, destroying the one party exercising responsibilities in the nation's worsening air disaster problems, and sacrificing the lives that will continue to be lost by the obstruction of justice.

5. Grave national interests of major importance are implicated, including (a) selective suspension of the laws and constitution of the United States to silence exposure of a major government and judicial scandal; (b) sacrificing of lives in the underlying air disaster scandal which the judicial misconduct seeks to cover up by blocking petitioner's exposure and corrective actions.

Exceptional circumstances include:

1. Judicial racketeering activities within the Ninth Circuit courts that far exceeds the Greylord Cook County judicial scandal, or the alleged wrongful acts of accused federal district Judge Robert Aquilar. Their malfeasance,

misfeasance, obstruction of justice, racketeering activities, massive civil and constitutional violations, are corruptly suspending the laws and Constitution of the United States. The intent of these outrageous acts is to destroy petitioner's protected rights, barring him from exposing the correcting the misconduct, barring him from defending against the judicial scheme, and barring him from exposing the scheme openly perpetrated against him. These outrages knowingly sacrifice lives in fraud-related air tragedies, and are sufficient reasons for the Justices of the U.S. Supreme Court to exercise their responsibilities, after the past 15 years of refusing to accept it.

ARGUMENT

I. The Complaint Stated A Record Number Of Civil And Constitutional Violations of Constitutional Magnitude, Invoking Mandatory Federal Court Jurisdiction, and Barring Dismissal

A record number of civil and constitutional violations of constitutional magnitude were stated in petitioner's complaint filed in the district court. (86-210) The complaint stated with sufficient specificity to meet federal pleadings requirements m

The mandatory responsibility of federal courts was ar-

ticulated in Monroe v. Pape, 365 U.S. 167, 183 (federal courts have "the "unflagging obligation" of the federal courts to exercise the jurisdiction given to them.); Tovar v. Billmeyer, 609 F.2d 1291 (9th Cir. 1980) ("It is no answer that the State has a law which if enforced would give relief. The federal remedy is supplementary to the state remedy ...." This obligation is particularly weighty when those seeking a hearing in federal court are asserting, as the appellants are here, their right to relief under 42 U.S.C. § 1983."; Miofsky v. Superior Court of the State of California, 703 F.2d 332 (9th Cir. 1983) ("... we must bear in mind the fundamental principle that federal courts have an "unflagging obligation" to exercise their jurisdiction.

II. The Ninth Circuit Abdicated Its Trust and Responsibilities As A Federal Appeals Court

The Ninth Circuit articulated its responsibilities in Matter of McLinn, 744 F.2d 683 (9th Cir. 1984), and made reference to its own abdication of responsibilities if they did not give de novo review of the district courts' decisions:

> To fulfill our role within the federal court structure, we should review all legal issues, whether of state or federal law, under the independent de novo standard. ... Indeed, this respect is inherent in the adversary system, which assigns to the appellant the duty to es-

tablish the errors in the trial court's decision.

Summary judgments must be reviewed de novo, to determine whether the complaint stated any federal cause of action. Petitioner's complaint stated a shocking number of major violations of federal question rights, for which federal courts had mandatory jurisdiction responsibilities. It is obvious that the Ninth Circuit pattern of solid judicial due process gridlock extended into the Court of Appeals, duplicating the repeated denial of due process and equal protection, and repeated protection of those committing the federal violations.

The Ninth Circuit Court of Appeals affirmed the district court's summary judgment, omitting reference to the major causes of action, omitting reference to the major civil and constitutional violations raised in petitioner's complaints. The Court of Appeals affirmance protected violations committed by the district court, including the blatantly unconstitutional injunctive order.

The Ninth Circuit approved the injunctive order that suspended the laws and Constitution of the United States, and which was then used to sentence petitioner to prison for seeking relief in federally guaranteed due process

right to federal court relief, for those yet to perish in air tragedies made possible by the misconduct, and seeking relief from the continuing barrage of civil and constitutional violations.

The Ninth Circuit approved the gross, and crass, violations of civil and constitutional violations committed by the state and federal judges, and the San Francisco law firm of Friedman, Sloan and Ross, who acted as a "front" in the air tragedy riddled racketeering enterprise. Every action by the district and appellate courts were to protect the Friedman law firm and their grotesque violations of civil and constitutional rights.

Sequestering the Violations

The Ninth Circuit addressed none of the multitude of civil and constitutional violations, which they are required to review de novo. The Ninth Circuit approved, and covered up for, the massive violations committed in their circuit by the state and federal courts. And in the process, they continued sacrificing the lives that would be lost in selected air tragedies, just as they did when they wrongfully affirmed the corrupt dismissal of the 1974 and 1980 actions against the FAA and NTSB.

Misstating the Facts and Law

The Ninth Circuit affirmance decision totally misstated the cause of action in the California courts, protecting one of the most outrageous judicial racketeering enterprises yet exposed in U.S. judicial history. The Ninth Circuit affirmance decision deliberately and fraudulently circumvented the issues, misstated the facts, abdicated their responsibilities, and used the same sordid ploys used by the civil and constitutional violators in the state action. In their affirmance decision, the Ninth Circuit openly misstated the facts:

> Rodney Stich appeals pro se the district court's grant of summary judgment in favor of the defendants in a civil rights action arising out of a divorce action brought in California Superior Court by Stich's wife.
>
> The judgment must be affirmed. The district court did not have jurisdiction to hear a core domestic relations case in which "a federal court is asked to grant a divorce or annulment, determine support payments, or award custody of a child." Csibi v. Fustos, 670 F.2d 134, 137 (9th Cir. 1982).
> Judgment Affirmed.

In typical Ninth Circuit fashion, Csibi states the very opposite, making clear that the abstention is narrowly construed, and making it clear that it would not apply where a federal court must decide which one of five di-

vorce judgments, from different jurisdictions, are to be recognized under the Federal Supremacy Clause rights.

The Supreme Court has repeatedly held that it is federal court responsibility to halt attacks upon divorce judgments rendered by courts in other jurisdictions. As it now remains, petitioner's personal and property rights are legally recognized as accruing from a 1966 divorce judgment in judgments confirmed as a California judgment in the Superior Court, Contra Costa County (251773), entered in the courts of Nevada, Oklahoma, and Texas. But now there is another action, seeking to enter an entirely different judgment, totally changing the rights and protections established in the five earlier judgments.

Obviously--even to Ninth Circuit judges and justices--this serious contradiction can only be addressed by federal courts, who are paid, and entrusted with the responsibilities, to provide such relief.

The Ninth Circuit fraudulently classified the California action as a divorce action even though (a) they knew five divorce judgments legally established petitioner's divorced status for the past 22 years, barring the possibility of a domestic relations divorce action 22 years after the

fact; (b) that the cause of action (retroactive refusal to recognize exercise of personal jurisdiction on residence) was blatantly illegal and unconstitutional under federal law; (c) that under California law the attack upon a prior divorce judgment was barred; (d) that under the California Family Law Act, the attack upon any prior divorce judgment is not considered a domestic relations action, and is specifically barred under the Act; (e) that the attack upon the 1966 judgment was without personal and without subject matter jurisdiction under California law; (f) that the state judges were violating dozens of California statutes, rules of Court, doctrines of law, California Constitutional provisions, California Supreme Court decisions.

The Ninth Circuit Court of Appeals decision knowingly protected and failed to address the multiple violations of federally protected rights, including (a) Right of non-California residents to obtain a divorce in their residence of jurisdiction, without interference by a California judge, years later, violating a multitude of rights and protections under state and federal law; (b) the right to unabridged interstate travel; (c) intrusion into the sovereignty of jurisdictions foreign to California, and taking protected

rights of residents of such foreign jurisdictions; (d) and many other rights stated herein.

The Ninth Circuit wrongfully implies that placing a domestic relations label on a cause of action suspends all due process and equal protection under the laws and Constitution of the United States.

The Ninth Circuit courts have repeatedly, on at least 15 different occasions, violated petitioner's due process and equal protection rights. They did this in the 1974 action against the FAA, the 1975 Paris DC-10 action, the 1980 action against the NTSB, which made federal judges accessory before the fact, at the fact, and after the fact.

Summary judgment appellate review is de novo. If the record, which must be viewed in the light most favorable to petitioner, shows issues of material fact, or federal causes of action, the summary judgment must be vacated. There is no possibility that the district court, and the appellate court, could have failed to recognize the multitude of issues and federal causes of action. They both lied.

These absurd constitutional violations were not judicial ignorance. They all knew what they were doing, and they were engaging in a judicial racketeering enterprise to

silence exposure of the world's worst air disaster and superimposed government and judicial scandal.

III. Petitioner Is Suffering Great and Irreparable Harm From A Pattern Of Ninth Circuit Due Process Gridlock, Invoking Supreme Court responsibilities

Solely on the cause of action that had been held unconstitutional by the U.S. Supreme Court for the past 50 years, with superimposed massive violations of state and federal laws and Constitution, petitioner has suffered great and irreparable harm, including: (a) halting petitioner's sole source of income for the past six years; (b) destroyed his credit worthiness, which will continue for the remainder of petitioner's life; (c) seized his properties, converting him from a multi-millionaire, devoting his assets to the public's air safety welfare, into a state of poverty; (d) caused the loss of petitioner's retirement home; (e) caused the loss of petitioner's business; (f) caused stress-induced open heart surgery; (g) grossly invaded petitioner's privacy; (h) destroyed his quality of life; (i) sentenced petitioner to prison.

In addition, the constitutional outrages and due process gridlock blocking relief, and blocking petitioner's correc-

tion of the sequestered air disaster misconduct, continues to result in horror and deaths in air tragedies made possible or caused by the misconduct, the coverup, and the judicial attacks upon petitioner. Every federal court that had an opportunity to provide a federal court forum and relief, and blocked those remedies, violated their trust and the laws and Constitution of the United States, knowingly sacrificing little children and others who paid the price for coverup in air tragedies arising from the misconduct petitioner seeks to correct.

IV. The Behind-the-Scene Major National Scandal Giving Rise To the Judicial Attacks and Suspension of Law and Constitution

The reasons behind the solid California and federal judicial due process gridlock: Petitioner uncovered a major, ongoing, air safety/air disaster scandal, initially while petitioner was a government air safety investigator assigned to, among others, powerful United Airlines. These discoveries were made while petitioner had the government responsibility for making such determinations, and while United Airlines was experiencing thirty years of major fraud-related air tragedies.

Petitioner's official federal air safety responsibilities at the most crash-plagued airline in the United States were blocked by the FAA legal and management staffs, the National Transportation Safety Board, the Federal Bureau of Investigation, the Department of Justice, and the federal courts--as this Court already knows. The details of these crimes were brought to federal court attention, and that of the U.S. Supreme Court, in numerous federal actions.[14] The Department of Justice obstructed every at-

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[14] Stich v. United States, et al., 554 F.2d 1070 (9th Cir.) (table), cert. denied, 434 U.S. 920 (1977)(addressed hard-core air safety misconduct, violations of federal air safety laws, threats against government inspectors not to report safety violations and misconduct); Stich v. National Transportation Safety Board, 685 F.2d 446 (9th Cir.)(table), cert. denied, 459 U.S. 861 (1982))(addressed repeated criminal falsification of official airline accident reports, omitting highly sensitive air safety misconduct, making possible repeated crashes from the same sequestered problems); Amicus curiae brief filed on July 17, 1975, in the Paris DC-10 multi-district litigation, Flanagan v. McDonnell Douglas Corporation and United States of America, Civil Action 74-808-PH, MDL 172, Central District California.)(addressing the long standing FAA misconduct, of which the coverup of the DC-10 cargo door problem was one of repeated instances of tragedy related misconduct); U.S. v. Department of Justice, District of Columbia, Nos. 86-2523, 87-2214, and other actions filed by claimant seeking to expose and correct the powerful and covert air disaster misconduct.

tempt to expose the air disaster misconduct and petitioner's attempts to correct the crash-causing misconduct. This blockage actions followed petitioner's formal complaints to the Department of Justice, commencing in 1965; the 1974 action against the FAA; the 1975 amicus curiae brief in the Paris DC-10 crash litigation in the Central District of California; the 1980 action against the NTSB; and the 1987 criminal prosecution (E.D. Cal. CR 87-124) for filing federal actions exposing the misconduct and the obstruction of justice by the Justice Department and federal judges.

V. The Supreme Court Justices Have A Long Overdue Responsibility To Grant A Hearing, Temporary Injunctive Relief, and To Vacate All Adverse Federal Court Decisions Arising Out of the Litany Of Constitutional Violations

The Supreme Court has a supervisory responsibility over the district and appellate courts. The allegations brought by petition strongly infers a literal judicial insurrection or racketeering enterprise in the Ninth Circuit courts.

Under Title 28 U.S.C. § 1343 and 42 U.S.C. §§ 1983, 1985, 1986, the justices of the Supreme Court have at

least the same responsibilities as the average citizen, if not much greater, to prevent or aid in the prevention of violations rights and privileges under the laws and constitution of the United States. Since the judicial attacks upon petitioner are closely related to some of the nation's--and the world's--most brutal air tragedies, it is an insult to those yet to die, for this court not to exercise its responsibilities! The fallout from the judicial insurrection in the Ninth Circuit includes subversion of our form of government, subversion of the laws and Constitution of the United States. This too, invokes Supreme Court responsibilities.

This Court has been informed of the air safety/air disaster scandal in earlier actions, and in at least a dozen applications to the Court. It is aware of the scheme to silence petitioner's exposure of the air disaster and superimposed judicial scandal. It is aware of the prison sentence to silence petitioner's exposure activities. This court is aware of the corrupt and unconstitutional seizure and destruction of petitioner's estates. This court is aware of the shocking judicial outrages, perversion of the rights and protections under the laws and constitution of the United

States. In every instance the Supreme Court has protected the violators, while abdicating its responsibilities. The time for exercising this court's jurisdiction and responsibilities is long over due.

XI. CONCLUSION

The multiple violations of important civil and constitutional rights with national implications, stated in petitioner's complaint, bars any summary judgment for the defendants. The district court judge aided and abetted some of the most vicious civil and constitutional rights yet stated in any published decision, abdicating the responsibilities for which the judge was paid and is entrusted to uphold. The Ninth Circuit Court of Appeal justices--each and every one of them--aided and abetted these outrageous constitutional violations.

Unconscionable violations of rights and privileges under the laws and constitution of the United States are being blatantly violated by the Ninth Circuit judges and justices, in a racketeering enterprise that requires the emergency intervention of the U.S. Supreme Court. The racketeering enterprise has included judges and justices protecting each other, and with each subsequent corrupt act, ex-

panded the nature of the conspiracy.

Petitioner has been devastated by the judicial racketeering enterprise, trying to protect the lives of those little children and others who are sacrificed by the crude thugs in federal judicial garb, wherein judge and justices protect each other, overwhelming innocent persons that perish as a result of their infamous acts.

A hearing is long overdue. Injunctive relief is long overdue. And petitioner appears before the Supreme Court, with a vested interest in protecting the constitutional outrages. Incredible!

Dated: June 17, 1989.

RODNEY F. STICH
Petitioner in pro se

VERIFICATION

I, Rodney F. Stich, declare:

I am the petitioner in the foregoing petition for writ of certiorari. The contents are true to the best of my knowledge.

Executed This 17th day of June 1989, in the town of Alamo, State of California. I declare under penalty of perjury that the foregoing is true and correct.

_____
Rodney F. Stich

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Filed

May 2, 1989

Rodney F. Stich, et al., No. 89-2698

Plaintiff-Appellant, D.C. No. CV-S-86-210-MLS

vs.

William Jensen, Judge, Superior Court of the County of Solano, State of California; State of California; Larry Gibbs; Jeffrey Ross; Friedman, Sloan & Ross; Emma W. Stich; Neil Crawford, Clerk, Solano County,

Defendants-Appellees.

_____/

Before: Merrill, Wright, and Beezer, Circuit Judges.

The panel as constituted in the above case has voted to deny the petition for rehearing and to reject the suggestion for rehearing en banc.

The full court has been advised of the suggestion for en banc rehearing, and no judge of the court has requested a vote on the suggestion for rehearing en banc. Fed. R. App. P. 35(b).

The petition for rehearing is denied, and the suggestion

for a rehearing en banc is rejected.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Filed May 2, 1989

Rodney F. Stich, et al., No. 89-2698

Plaintiff-Appellant, D.C. No. CV-S-86-210-MLS

vs.

William Jensen, Judge, Superior Court of the County of Solano, State of California; State of California; Larry Gibbs; Jeffrey Ross; Friedman, Sloan & Ross; Emma W. Stich; Neil Crawford, Clerk, Solano County,

Defendants-Appellees.

Appeal from the United States District Court for the Eastern District of California
Edward J. Schwartz, District Judge, Presiding

Submitted February 22, 1989
Filed: March 14, 1989

Before: Merrill, Wright, and Beezer, Circuit Judges.

Rodney Stich appeals pro se the district court's grant of summary judgment in favor of the defendants in a civil rights action arising out of a divorce action brought in California Superior Court by Stich's wife.

The judgment must be affirmed. The district court did not have jurisdiction to hear a core domestic relations case in which "a federal court is asked to grant a divorce or annulment, determine support payments, or award custody of a child." Csibi v. Fustos, 670 F.2d 134, 137 (9th Cir. 1982).

Judgment Affirmed.

In the United States District Court

For the Eastern Distsrict of California

Rodney F. Stich

Plaintiff,

v. Civil No. S-86-0210 MLS

Judge William Jensen; Superior Court of the County of Solano, State of California; Larry Gibbs; Jeffrey Ross; Friedman, Sloan and Ross, P.C.; Emma W. Stich; Neil Crawford, Clerk, Solano County,

Defendants.

_____/

ORDER

This matter came on regularly for hearing on July 25, 1986, on the motions of defendants for injunctive relief. The court having considered the arguments and the memoranda of points and authorities, the declarations submitted in support thereof and the files of this and the related cases, and the files in those cases involving plaintiff Rodney F. Stich which the court has judicially noticed pursuant to Federal Rule of Evidence 201,

IT IS HEREBY ORDERED that plaintiff, Rodney F. Stich, is barred from filing any action or actions in any

United States District Court, or in any state court, until his current state court action, Solano County Superior Court No. 83472, becomes final and he has exhausted all his state court appellate remedies, against defendants Emma W. Stich, Friedman, Sloan & Ross, P.C., or any attorneys or employees of Friedman, Sloan & Ross., Lawrence A. Gibbs, Jeffrey S. Ross, the judges of the Superior Court of the County of Solano, State of California, which in any way relates to issues raised in Stich v. Stich, No. CIVS-84-0048 RAR, In re the Marriage of Stich, Superior Court of the State of California in and for the County of Solano, No. 83472, and Stich v. California Court of Appeal, United States District Court, Northern District of California, Action No. C-85-3600-MHP, or in the instant case; after the judgment in that state court action has become final and all appellate processes have been exhausted, this bar to further actions shall still apply to any and all claims precluded by the doctrines of res judicata and/or collateral estoppel.

DATED: July 30, 1986.

Milton L. Schwartz

United States District Judge

In the United States District Court

For the Eastern District of California

Filed Sep 16, 1986.

Rodney F. Stich,

Plaintiff, CIV. No. S-86-210-MLS

v.

Judge William Jensen, et al.,

Defendants.

_____/

Rodney F. Stich,

Plaintiff, CIV No. S-85-1073 MLS

v.

Judge Richard M. Harris,
Superior Court of the County
of Solano,

Defendants.

_____/

Rodney F. Stich,

Plaintiff, CIV No. S-86-0004-MLS

v.

The Honorable Judge
Raul A. Ramariz, et al.

Defendants.

_____/

Plaintiff has filed four (4) separate actions under provisions of 42 U.S.C. § 1983, pro se. The four cases were all determined to be related cases pursuant to an earlier order of the Court, under provisions of Local rule 123(b).

The defendant in CIV-S-86-004-MLS filed a motion for dismissal pursuant to Federal Rules of Civil Procedure 12(b)(1) and/or 12(b)(6). The defendants in each of the three remaining cases filed motions for Summary Judgment pursuant to Federal Rules of Civil Procedure 56(b) and Local Rule 260(a). The defendant's motions were all heard on July 25, 1986, at 9:00 a.m. in Department 3 before the Honorable Milton L. Schwartz, Judge.

The plaintiff failed to appear at the above-scheduled hearings, informing the Court, in writing, of his intention not to appear. Judge Raul A. Ramirez was represented at the hearing by Gregory G. Hollows, Assistant United States Attorney, Eastern District of California. The State Court judicial defendants, state superior court and Solano County Clerk were represented by Thomas H. Gordinier, Chief Deputy County Counsel for Solano County. All non-judicia/non-county defendants were represented by Carolyn E. Moore, of Friedman, Sloan and Ross.

The Court, having considered the pleadings filed herein and arguments of the parties, HEREBY ORDERS:

1. In Stich v. Ramirez, CIV-S-86-0004-MLS, the Court grants defendant's motion for dismissal for the reasons stated in defendant's memorandum in support of the motion. Dismissal is appropriate under both Federal Rule of Civil Procedure 12(b)(1`) and 12(b)(6). Plaintiff failed to file timely opposition to this motion, as required by Local Rule 230(c). The dismissal of this action is with prejudice.

The Court also grants defendant's motion for attorney's fees under 42 U.S.C. § 1988 and under Federal Rule of Civil Procedure 11. Attorney fees shall be awarded in the amount of nine hundred eighty and No/100 ($980.00) dollars, which the Court finds to be appropriate and fair. The Court notes that timely opposition to the motion for attorney fees was not filed by plaintiff.

The Court also imposes sanctions under Federal Rule of Civil Procedure 11 because of the unnecessary and frivolous requirement of the use of the Court's time and resources in that this action was not well grounded in either law or fact. For these reasons, a sanction of four hundred and No/100 ($400.00) dollars, payable to the Clerk of the

Court, is also ordered.

2. In Stich v. Harris, CIV-S-1073-MLS, the Court grants the motion for summary judgment as to all defendants. The plaintiff is collaterally estopped by the judgment entered in Stich v. Stich, CIV-S-84-0048-RAR, from relitigating the question of this Court's lack of jurisdiction based upon a claim that there was no personal jurisdiction ever obtained over him, and the litigation of the question of the validity of his Mexican divorce decree.

Plaintiff is also collaterally estopped from relitigating the issue of judicial immunity from § 1983 suits for money damages, and that collateral estoppel comes from the judgment in Stich v. Court of Appeal, decided in the District Court for the Northern District of California by Judge Patel, CIV-85-3600-MHP.

Even if the plaintiff were not collaterally estopped by the decision in the two previous cases from relitigating these issues, this Court would reach the same conclusion on the jurisdictional and judicial immunity issues. The Court also agrees that the doctrine of abstention is appropriate on claims for injunctive and declaratory relief under this doctrine as enunciated in Younger v. Harris, 401,

U.S. 37 (1971). The Younger abstention has in fact been applied to domestic relations cases. Williams v. Williams, 532 F.2d 120 (9th Cir., 1976.)

The motion for summary judgment in favor of Defendant Solano County Superior Court must be granted, as state courts are agencies of the state and the 11th Amendment bars suits for money damages against the state. O'Connor v. Nevada 686 F.2d 749 (9th Cir., 1982). cert denied, 459 U.S. 1071 (1982).

3. In Stich v. Stich CIV-S-85-1549-MLS, the Court grants the motion for summary judgment in favor of the judicial defendants and State Superior Court for the same reasons as set forth in paragraph 2 for case 85-1073-MLS, above. Additionally, the Court, on its own motion, dismisses the complaint as to defendants, Friedman, Sloan and Ross, P.C., Lawrence A. Gibbs, Jeffrey S. Ross, and Emma Stich, under provisions of Federal Rules of Civil Procedure 4(j) for failure of timely service of process on those defendants and failure of plaintiff to request relief from failure to make timely service within the 120-day period.

4. In Stich v. Jensen, CIV_S-86-0210-MLS, the Court

also grants the motion for summary judgment for the same reasons as Stich v. Harris in paragraph 2, above. The Court also grants summary judgment in favor of defendant Neil Crawford, Solano County Clerk, for the additional reasons stated in defendants' Memorandum submitted in support of the motion. The motion for summary judgment on behalf of the non-judicial/non-county defendants is granted on the basis of res judicata; plaintiff is barred from relitigating issues resolved in Stich v. Superior Court, CIV-85-3600-MPH by Judge Patel in the Northern District of California.

Even if plaintiff were not barred from relitigating these issues, and to the extent, as plaintiff claims, that the complaint covers new events which could not have been covered in the case decided by Judge Patel, the Court reaches the same conclusion Judge Patel reached concerning the sufficiency of the conspiracy allegations.

Finally, the Court finds attorney fees and sanctions warranted and grants non-judicial defendants' motion, subject to proof of appropriate amount.

5. The Court finds that injunctive relief is warranted by the factors discussed in Wood v. Santa Barbara Chamber

of Commerce, Inc., 705 F.2d 1515, 1523-1526 (9th Cir. 1983), cert denied 104 S.Ct. 1446 (1984), as set out in separate order of the Court.

Plaintiff's motions for summary judgment and injunctive relief in Stich v. Jensen, and other cases, are denied.

6. The Court imposes sanctions in Stich v. Harris, Stich v. Stich, and Stich v. Jensen under Federal Rules of Civil Procedure 11 in effect to compensate the taxpayers for having to pay for the expenses of processing these actions. The actions of plaintiff were not well grounded in fact or law, and were interposed in bad faith or for the purposes of harassment. Accordingly, plaintiff is ordered to pay the Clerk of the Court an additional One Thousand ($1000) dollars for this violation of Rule 11, making his total obligation for the four cases heard today, as far as the Court sanctions are concerned, an aggregate One Thousand Four Hundred ($1,400) dollars.

7. For the foregoing reasons, plaintiff's requests and motions for temporary restraining order and preliminary injunction in Stich v. Jensen, et al., CIV. S-86-0210 MLS, filed June 3, 1986, are denied.

It is so ordered.

Dated: Sept. 15, 1986.

_____

Milton L. Schwartz
Judge of the United States
District Court

DECLARATION OF SERVICE BY MAIL

I declare that I am a resident of the County of Contra Costa, State of California. I am over the age of eighteen years, and not a party to the action described herein. My address is 43 Diablo Creek Place, Danville, California 94526. On June 23, 1989 I served the attached petition for hearing on the below parties in the above action, by placing a true copy in a sealed envelope with sufficient postage prepared, in the United States mail at Alamo, California, addressed as follows:

U.S. Court of Appeals
P.O. Box 547
San Francisco, CA 94101

Friedman, Sloan and Ross
1040 Alcoa Bldg, 1 Maritime Plaza
San Francisco, CA 94104

U.S. District Court
Federal Building
Sacramento, CA 95418

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 23, 1989.

_____
Stephanie A. Stadtler